

# United States District Court

**SOUTHERN**

DISTRICT OF

**TEXAS**

McALLEN DIVISION

UNITED STATES OF AMERICA

V.

## CRIMINAL COMPLAINT

Juan Rafael Garcia-Almaguer

*Principal*

YOB: 1975

Mexico

Case Number:

**M-18-2328 -M**

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about November 7, 2018 in Starr County, in the Southern District of Texas defendants(s) did,

*(Track Statutory Language of Offense)*  
knowing or in reckless disregard of the fact that Jose Alfredo Sanchez-Rueda, a citizen of Mexico, and Luis Fernando Solano-Barrera, a citizen of Guatemala, along with sixty (60) other undocumented aliens, for a total of sixty-two (62), who had entered the United States in violation of law, concealed, harbored or shielded from detection or attempt to conceal, harbor, or shield from detection such aliens in any place, including any building or means of transportation, To wit; at a residence near Roma, Texas.

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(iii) **FELONY**  
I further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:

On November 6, 2018, Border Patrol Agents (BPA) received information from illegal aliens (IA), who were in Border Patrol custody, pertaining to a stash house they were previously held in. The IAs indicated that approximately thirty (30) more IAs remained in the stash house. The IAs were able to identify the address of the stash house to be 947 N. Humberto Street, Roma, Texas.

### CONTINUED:

Continued on the attached sheet and made a part of this complaint:

Yes  No

*Approved by David A. Lindemann*  
*[Signature]* *11/8/18*

Sworn to before me and subscribed in my presence,

November 8, 2018 3:01pm

Date

Juan F. Alanis, U. S. Magistrate Judge  
Name and Title of Judicial Officer

Signature of Complainant

Gerardo Montalvo Senior Patrol Agent

Printed Name of Complainant

at McAllen, Texas

City and State

Signature of Judicial Officer

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
McALLEN, TEXAS**

**ATTACHMENT TO CRIMINAL COMPLAINT:**

**M-18-2328-M**

**RE: Juan Rafael Garcia-Almaguer**

**CONTINUATION:**

On November 7, 2018, BPAs initiated surveillance on the stash house. a BPA observed a maroon Dodge truck stop outside the house, a male then got off the passenger seat, open the front gate of the property, and entered the front door of the suspected stash house. Shortly after, the driver of the Dodge truck drove away towards Efren Ramirez Road. BPAs requested assistance from the Department of Public Safety (DPS). A DPS Trooper responded and observed the maroon Dodge truck traveling south on Efren Ramirez. The Trooper conducted a traffic stop on the vehicle for having abnormally dark window tint. A BPA assisted the Trooper in his traffic stop. The driver was identified as Juan Rafael GARCIA-Almaguer, a citizen of Mexico. The BPA conducted an immigration check on GARCIA and determined he was illegally present in the United States. The BPA advised GARCIA of his Miranda Rights, which GARCIA understood. The BPA asked GARCIA about his involvement with the suspected stash house. GARCIA stated he was not the owner of the house but admitted dropping off an IA at the stash house. GARCIA further stated he did not know if there were more IAs inside.

Based upon the aforementioned details, BPAs along with Troopers proceeded to the stash house. BPAs identified themselves and knocked on the door; a subject, identified as Felipe TOMAS-Damian, citizen of Mexico, opened the front door of the house. Through the opened front door, a BPA observed multiple subjects attempting to hide from view inside the house. The BPA asked TOMAS to please step out of the house to talk; TOMAS freely walked outside. When asked who was in charge of the house, TOMAS stated the person in charge wasn't there at that time, TOMAS also added that he was staying in the house. The BPA conducted an immigration check on TOMAS and determined that TOMAS was illegally present in the United States. TOMAS granted consent to search the house. While maintaining perimeter security of the house, BPAs observed numerous subjects attempting to abscond through broken windows and doors of the house. Agents made entry to the house and apprehended a total of sixty-two (62) IAs. All subjects freely admitted to being illegally present in the United States.

All subjects were placed under arrest and transported to the Rio Grande City Border Patrol Station for processing.

**UNITED STATES DISTRICT COURT  
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**RE: Juan Rafael Garcia-Almaguer**

**CONTINUATION:**

**PRINCIPAL STATEMENT:**

At the station, Juan Rafael GARCIA-Almaguer was advised of his Miranda Rights. He stated he understood his Rights but did not want to provide any further statements without legal counsel.

**MATERIAL WITNESSES STATEMENTS:**

Jose Alfredo SANCHEZ-Rueda and Luis Fernando SOLANO-Barrera were read their Miranda rights. Both understood and agreed to provide a sworn statement.

SANCHEZ, a citizen of Mexico, stated that after crossing the river, he boarded an Expedition and was taken to the house where he was apprehended. SANCHEZ claimed that when he arrived to the stash house, there was approximately forty (40) other subjects inside the house. SANCHEZ stated that the caretaker, identified as GARCIA, dropped off food for the people in the house and that the females staying at the house would cook the food for everyone.

Through an official CBP photo lineup, SANCHEZ was able to identify the man that would drop the food off as Juan Rafael GARCIA-Almaguer.

SOLANO, a citizen of Guatemala, stated he paid \$5,000 USD upfront for his smuggling arrangements. After crossing the river along with other subjects, SOLANO stated he was eventually transported to the house where he was later arrested. At the house, SOLANO stated a male subject would provide food. SOLANO claims he saw the man take food a couple of times. SOLANO further stated there was not enough food for everyone in the house and that the house was in very poor living conditions.

Through an official CBP photo lineup, SANCHEZ was able to identify the man that would drop the food off as Juan Rafael GARCIA-Almaguer.